

Remarks/Arguments

The enclosed is responsive to the Examiner's Office Action mailed on October 3, 2007. At the time the Examiner mailed the Office Action claims 1, 3-14 and 16-20 were pending. By way of the present response the Applicants have (1) amended claims 1, 3-7, 9-14 and 16-20, (2) added no new claim, (3) cancelled no claim, (4) argued the patentability of the independent claims 1, 8, and 14. As such, claims 1, 3-14 and 16-20 are now pending. The Applicants respectfully request reconsideration of the claims in view of the following arguments and remarks.

Rejections under 35 U.S.C. § 103(a):

Claims 1, 3-14, 16-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Publication No. 2005/0009571 (hereinafter CHIAM) in view of US Patent No. 6,842,877 (hereinafter ROBERTS). This rejection is respectfully traversed because the cited prior art fails to disclose, teach or suggest all limitations set forth in the claims.

Claims 1, 8, and 14, *inter alia*, are directed to tracking usage pattern data of a user based on interactions of the user with a plurality of services, associating the usage pattern data with user profile information and predicting a set of service based on the tracking a user is expected to utilize within a predefined period of time, the usage pattern data include a name of each of the plurality of services, a time of use of each of the plurality of services, a use frequency of each of the plurality of service.

CHIAM in paragraph [0006] discloses improved use of cell phones by allowing immediate access to item and menus in a menu tree by allowing the user to maintain contact with a two-dimensional navigation key. CHIAM goes further by disclosing that in essence the invention eliminates the requirement of keystrokes from multiple keys to access a menu item.

The entire CHIAM disclosure is focused on a use of two-dimensional key. CHIAM in paragraph [0027] clearly disclose that the CHIAM invention is intended to eliminate keystrokes on separate keys outside of using the two-dimensional navigation key. The Applicants respectfully submit that CHIAM does not disclose any of the following limitations: tracking usage pattern data of a user based on interactions of the user with a plurality of services, associating the usage pattern data with user profile information and predicting a set of service based on the tracking a user is expected to utilize within a predefined period of time, the usage pattern data include a name of each of the plurality of services, a time of use of each of the plurality of services, a use frequency of each of the plurality of service.

In the Final Office Action mailed on May 02, 2007, the Office indicated the following method operation of claim 1 is disclosed by CHIAM “figs. 1-3, paragraph 39”.

Claim 1:predicting a set of services from a plurality of services by user profile data including usage pattern data to construct the set of services;....

The Applicants examined CHIAM, and in response to the above mentioned Office Action, respectfully submitted that CHIAM provides no disclosure regarding predicting a set of services based on the usage pattern data as set forth in the claims. However, in the Office Action mailed on October 03, 2007, the Office simply copied the same rejection pointing to the same figures and paragraph of CHIAM. It is respectfully submitted that the Office did not provide any response to the arguments presented by the Applicants in response to the earlier Office Action.

In CHIAM, the main menu includes the plurality of operations associated with the plurality of soft keys. This teaching is different because unlike CHIAM where a fixed set of services is displayed in the menu based on what key is pressed, claims 1, 8, and 14 are directed to predicting a set of services based on usage tracking data that is stored in the user

profile information. Furthermore, CHIAM does not disclose any tracking of user interaction with the services, therefore, the Applicants respectfully submit that CHIAM can not disclose tracking usage pattern data of a user based on interactions of the user with a plurality of services.

CHIAM in paragraph [0029] further clarifies the disclosure by stating that the present invention allows for navigation throughout the plurality of menus of the device using the single two-dimensional navigation keys. Again, CHIAM have not mentioned any reference to tracking service usage, maintaining user profile information, or predicting a set of services, associating the usage pattern data with user profile information, etc.

Still further, claim 8 recites a plurality of tertiary service icons representing remaining services. The tertiary icons are displayed in a tertiary position of the mobile device. CHIAM figures (1-3) disclose primary service icons. In CHIAM, all service icons are displayed in one section of the display. There are no hidden service icons representing remaining services. This teaching is different because CHIAM does not disclose a tertiary position on the display and does not display tertiary service icons representing remaining services in this tertiary position. The Applicants respectfully submit that the Office did not provide any discussion in the Office Action regarding this claim limitation.

If this rejection is maintained, the Office is requested to **clearly point out** where in CHIAM the limitations set forth in claims as described above can be found.

Further, the Office asserts that ROBERTS disclose a method for predicting appropriate content for presentation or retrieval by detecting pattern data of a user profile information a mobile phone and displaying on the mobile phone, wherein the detected pattern data includes a name, a time and a frequency of service. The Office pointed out to several places in ROBERTS wherein this limitation is allegedly disclosed. The Applicants respectfully

disagree. The teachings of ROBERTS are different because ROBERTS discloses predicting appropriate computer actions [abstract] based on a current context whereas the claims recite predicting a set of services that the user is expected to utilize (i.e., predicting user actions).

ROBERTS in column 9, lines 58-61 discloses that the characterization system can track changes over time. Basically, ROBERTS teaches tracking usage of the device in time dimension and enable to device to behave in certain manner based on previous interactions with the device. These teachings are different because claims recite tracking usage pattern data, the usage pattern data include a name of each of the plurality of services, a time of use of each of the plurality of services, a user frequency of each of the plurality of service. ROBERTS in column 16, lines 41-42 appears to describe the structure of tracking data. It contains a CS name, attribute name, data type, format version, request handler and startup behavior. As apparent, ROBERTS does not teach maintaining the usage pattern data that include a name of each of the plurality of services, a time of use of each of the plurality of services, a user frequency of each of the plurality of service. This fact can be further corroborated by reading ROBERTS column 15, lines 28-33 in which ROBERTS states that to summarize, the CC employs and analyzes a thematic set of attributes reflecting three distinct state of the user: (1) the state of the user (biometric, mood, etc.), (2) the state of user's physical surroundings, and (3) the state of the user's logical or telecommunications environment. ROBERTS does not disclose anywhere that the tracking includes use of a name of each of the plurality of services, a time of use of each of the plurality of services, a user frequency of each of the plurality of service.

Further, the Applicants respectfully submit that the Office has not met its initial burden of showing *prima facie* obviousness by presenting evidence as to how ROBERTS can be combined with CHIAM to disclose all limitations set forth in Applicants' claims. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103

should be made explicit, *in re KSR International Co. v. Teleflex Inc. (KSR)*. The Court in KSR quoted *In re Kahn*, which state that “Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” The Office asserts that combining ROBERTS with CHIAM would minimize time to search a desired service. The Applicants respectfully disagree. As discussed above, CHIAM disclosure is limited to describing a use of a two-dimensional key to provide better navigation of menus in mobile phones. And, ROBERTS discloses predicting appropriate computer actions based on a current context. Combining these two teachings:

1) will be contrary to the CHIAM invention because if the icons are made hidden in CHIAM according to ROBERTS, CHIAM’s two-dimensional control would provide navigation functionality for those service icons only that are on the display. CHIAM user would not be able to browse through the hidden icons.

and 2) the combination also will still fail to disclose, teach, or suggest all limitations set forth in the claims.

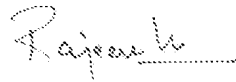
The Office is requested to explain and provide a reference to show that one skilled in the art would be motivated to modify CHIAM’s teachings by incorporating ROBERTS teachings, and that CHIAM’s teachings can be modified according to ROBERTS’s teachings and such modification will 1) provide an advantage to the users of CHIAM, 2) the modified art would teach all limitations set forth in the claims.

Accordingly, the rejection of claims 1, 3-14, 16-20 under U.S.C. § 103(a) is traversed. In view of the foregoing, a Notice of Allowance is respectfully requested. If the Examiner has any question that may move the case forward to allowance or has suggestions that can be

worked out in advance of an action, the Examiner is respectfully requested to contact the undersigned.

If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP325). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in cursive script, appearing to read "Rajeev", followed by a horizontal line.

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